THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY
W.P.No.2899 of 2007

Date:13.07.2007

Between:

Molakalapalli Rajeswari and others.

.. PETITIONERS

AND

The Muthawalli and others.

..RESPONDENTS

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY
W.P.No.2899 of 2007

ORDER:

The petitioners seek a writ of Mandamus, declaring the action of the respondents in requiring them to vacate their respective sites and house properties in Survey No.147 of Ongole Municipal Limits as illegal, irrational and without jurisdiction, apart from being violative of principles of natural justice. A further direction is sought to restrain the respondents from interfering with the possession and enjoyment of the petitioners over the said properties.

The petitioners state that they have purchased different extents of land in Survey No.147 through different sale deeds. It is stated that the Muthawalli of Syed Jalal Rajawari Peerla Chowdi, Ongole District is taking steps to evict the petitioners, without issuing any notice and

without initiating any proceedings.

On behalf of the respondents, a counter affidavit is filed. It is stated that the land in Survey No.147, admeasuring Ac.7.31 cents, belongs to the first respondent and when it was found to have been encroached by several persons, O.S.No.63 of 1994 was filed by the first respondent in the Court of Principal Senior Civil Judge, Ongole, against 93 persons, including some of the petitioners. It is stated that the suit was decreed. E.P.No.254 of 1999 is also said to have been filed. Reference is made to a subsequent suit, being O.S.No.19 of 2007, filed against some of the petitioners and an order of temporary injunction granted on 23.03.2007.

Heard the learned counsel for the petitioners, the learned counsel for respondent No.1 and the learned Standing Counsel for respondent No.2

It is not in dispute that the first respondent filed O.S.No.63 of 1994 in respect of the land in Survey No.147. In fact, some of the petitioners were made as parties to the suit. It was ultimately decreed. The mere fact that some of the petitioners are not parties to the suit, makes hardly any difference. When there are serious disputes about the title and possession, this Court cannot undertake adjudication, particularly, when a decree has

already been passed. Such of the petitioners, who were parties to the suit, have to avail the remedy of appeal, if it is otherwise permissible, and such of them, who were not parties to the suit, have to approach the civil Court by themselves. Either way, the writ petition cannot be maintained.

Accordingly, the Writ Petition is dismissed, leaving it open to the petitioners to work out their remedies, in accordance with law. There shall be no order as to costs.

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13.07.2007

JSU